

JEROMY D. BRAY, et al.,)
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 Plaintiffs,)
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 v.) **No. CIV 18-031-JHP-SPS**
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 JOHN CHRISTIAN, et al.,)
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 Defendants.)

On January 23, 2018, Plaintiffs Jeromy D. Bray, Shon McCoy, Heath Wright, and Justin Rebile filed this civil rights action pursuant to 42 U.S.C. § 1983, complaining about the conditions of their confinement in the Pontotoc County Jail in Ada, Oklahoma (Dkt. 1). On that same date, the Court entered an Order directing them to pay the filing fee or submit a proper motion for leave to proceed *in forma pauperis* (Dkt. 4).

The Order sent to Plaintiff Heath Wright was returned to the Court on February 6, 2018, marked “RTS No Longer Here - Return to Sender - Refused - Unable to Forward” (Dkt. 5). As of the entry of this Order, Plaintiff Wright has not advised the Court of his current address, as required by the Court’s Local Rule:

All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the Court by filing the form provided by the Clerk and serving a copy on opposing counsel or pro se parties. . . .”

Local Civil Rule 5.6(a). Therefore, the Court finds Plaintiff Wright has failed to prosecute this action pursuant to Fed. Rule Civ. P. 41(b).

Plaintiff Jeromy D. Bray

On March 9, 2018, Plaintiff Bray advised the Court of his transfer to a Department of Corrections facility (Dkt. 6), and in a letter dated April 3, 2018, he advised the Court that he would send his trust fund statement for *in forma pauperis* purposes when he received it (Dkt. 7). As of the entry of this Order, however, Bray has failed to comply with the Court's Order to provide a proper *in forma pauperis* application and his financial accounting statement (Dkt. 4). The Court finds Bray has failed to prosecute this case. *See* Fed. R. Civ. P. 41(b).

Plaintiffs Shon McCoy and Justin Rebile

Plaintiffs Shan McCoy and Justin Rebile have failed to respond to the Court's Order regarding a proper motion for leave to proceed *in forma pauperis* (Dkt. 4). The Court therefore finds McCoy and Rebile also have failed to prosecute this action. *See* Fed. R. Civ. P. 41(b).

ACCORDINGLY, this action is DISMISSED WITH PREJUDICE for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines). *See also Tyree v. Boone*, 30 F. App'x 826, 827 (10th Cir. 2002) ("A district court has power to dismiss a case with prejudice for failure to prosecute or failure to comply with a court order.") (citing Fed. R. Civ. P. 41(b)).

IT IS SO ORDERED this 15th day of June 2018.



James H. Payne
United States District Judge
Eastern District of Oklahoma